

Remarks

Claims 1-20 remain in the application. Reconsideration of the rejections and objections at an early date is requested.

Claims 1-12 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (U.S. Patent No. 3,986,401). Peterson discloses a sampling system for collecting fluid samples from high velocity effluents. It comprises a pump, which is energized in certain time intervals and draws the fluid in a sample chamber. When the pump is turned off, the valves of the sample chamber are operated automatically in response to the hydrostatic and atmospheric pressure and the sample is allowed to drain out in a collection container.

Applicants submit that there are major differences between the current invention and the system disclosed by Peterson, such that Peterson is an inappropriate reference to cite against the present invention. That is, it is not reasonable that one of ordinary skill in the art would look to Peterson for its disclosures that may arguably relate to the present invention, due to the many differences between Peterson and the present invention, as set forth below.

- (a) The system disclosed by Peterson is that the new invention has just one single discharge line. To the contrary, Peterson uses two different discharge lines, one for applying the negative pressure and another to drain the sample to the collection container.
- (b) The apparatus disclosed by Peterson is defined as an "apparatus for collecting samples from effluent... ." An effluent is not needed for the current invention. It offers the possibility of collecting a liquid sample out of every container or pipe. The liquid does not have to be an effluent. It can be in motion or still.

(c) The apparatus disclosed by Peterson is designed “for periodically operating”. The pump has to be turned off to collect a sample. This is not necessary for the current invention. It allows a continuous collecting of samples.

(d) Because of the discontinuous operating system disclosed by Peterson, a timer is needed to turn the pump on and off “for predetermined time duration”. To the contrary, the current invention allows for variable times for running the pump (to flexibly change the sample volume) and pauses.

(e) In Peterson’s apparatus the sample runs to the collecting chamber through the second fluid flow path ... in the absence of said fluid pressure”. So in this case the transportation of the sample in the direction of the sample chamber is only possible if there is no reduced pressure applied. On the other hand, the current invention allows the transportation to the sample chamber with reduced pressure and/or by applying positive pressure through the supply line.

(f) The current invention will work properly in any orientation. This is definitely not the case for Peterson’s apparatus, where the correct functionality of the valves is just possible in the shown vertical orientation of the apparatus.

(g) Furthermore, it has to be assumed that the viscosity and the density of the fluid has a major influence on the function of the apparatus disclosed by Peterson. If the density or the viscosity of the liquid is too high, Peterson’s apparatus will malfunction. From a certain density or viscosity on, the pump will have to apply a reduced pressure for lifting the steel ball (40) thus leaving open the valve (22d). This will result in drawing air through the valve (22d) into the sample chamber. On the other hand, an even heavier

steel ball (40) will not allow the valve (22d) to open (from the apparent lower closed position) and allow the release the fluid out of the sample chamber into the collecting container. Therefore, additional pressure from outside would be necessary or the valve (22d) has to be opened by other means. This underlines that the apparatus disclosed by Peterson is not able to handle all kind of fluids, whereas this is no limitation for the apparatus disclosed in the current application.

(h) Peterson discloses that the “sample chamber has a volume equal to a predetermined fixed volume”. As already mentioned above there are no restrictions concerning the sample volume taken by the current invention. Even very small or very large volumes can be drawn without any changes of the apparatus.

For these reasons, Applicants believe that the current invention is very different from the apparatus disclosed by Peterson, such that Peterson does not make the present invention obvious.

Claims 13-17, 19 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of Shook (U.S. Patent No. 2,434,723). Shook discloses an apparatus for the “measurement of a sample of fluid”. This apparatus is totally different from the current invention. Even the intention of “taking liquid or gaseous samples from first containers” is very different from Shook’s intention of “measurement of a sample”. Shook relates to an “instrument for isolating a predetermined volume”. This is not the case for the current invention, which allows taking samples of every volume without limitations.

Applicants submit that the combination of the Peterson’s and Shook’s disclosures would not lead one of ordinary skill in the art to the current invention. As can be seen above, Peterson’s apparatus is very different from the current invention, and therefore also the addition

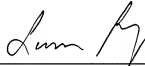
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of a device like the one disclosed by Shook to flush or wash Peterson's device would not result in the current invention.

Therefore, all pending claims should now be allowable. Allowance of claims 1-20 and at an early date is respectfully requested.

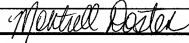
No fee is believed due; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,



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